

Ronald L. Richman, SBN 139189
Susan J. Olson, SBN 152467
Bullivant Houser Bailey PC
601 California Street, Suite 1800
San Francisco, California 94108
Telephone: 415.352.2700
Facsimile: 415.352.2701
E-Mail: ron.richman@bullivant.com
E-Mail: susan.olson@bullivant.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; and BOARD OF
TRUSTEES OF THE CEMENT MASONS
TRAINING TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

v.

K.M. JACKSON ENGINEERING, INC., a
California corporation and KURT THOMAS
MCFADDEN, an individual,

Defendants.

Case No.: C 08-03555 CRB

**REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE;
ORDER THEREON**

Date: February 13, 2009
Time: 8:30 a.m.
Ctroom: 8, 19th Floor

BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Case No.: C 08-03556 CRB

1 Plaintiffs,

2 v.

3 K.M. JACKSON ENGINEERING, INC., a
4 California corporation and KURT THOMAS
MCFADDEN, an individual,

5 Defendants.

6
7 Plaintiffs Board of Trustees of the Cement Masons Health and Welfare Trust Fund for
8 Northern California, Board of Trustees of the Cement Masons Vacation-Holiday Trust Fund for
9 Northern California, Board of Trustees of the Cement Masons Pension Trust Fund for Northern
10 California and Board of Trustees of the Cement Masons Training Trust Fund for Northern
11 California ("Cement Masons Trust Funds"), Case No. C 08 03555 CRB; and Plaintiffs Board of
12 Trustees of the Laborers Health and Welfare Trust Fund for Northern California, Board of
13 Trustees of the Laborers Vacation-Holiday Trust Fund for Northern California, Board of
14 Trustees of the Laborers Pension Trust Fund for Northern California and Board of Trustees of
15 the Laborers Training and Retraining Trust Fund for Northern California ("Laborers Trust
16 Funds"), Case No. C 08 03556, on the one hand, and Defendants K.M. Jackson Engineering,
17 Inc., a California corporation and Kurt Thomas McFadden, and individual, on the other hand,
18 through their respective counsel, advise this Court that a settlement of both actions has been
19 reached.

20 The parties have executed settlement agreements and payment should be made to the
21 Cement Masons Trust Funds and the Laborers Trust Funds within the next 10 business days.
22 Once payment is received, these cases will be dismissed, with prejudice.

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1 Based on the above, the parties respectfully request that this Court continue the case
2 management conference for a period of 30 days. It is anticipated that within this period, the
3 settlement will be finalized and both actions will be dismissed in their entirety.

4 DATED: February 10, 2009

5 BULLIVANT HOUSER BAILEY PC

6
7 By _____ /s/
8 Ronald L. Richman
9 Susan J. Olson

10 Attorneys for Plaintiffs

11 DATED: February 10, 2009

12 MURPHY AUSTIN ADAMS SCHOENFFLD
13 LLP

14 By _____ /s/
15 Erick C. Turner

16 **ORDER**

17 The parties having notified this Court of the impending settlement and good cause
18 appearing:

19 IT IS HEREBY ORDERED that the Case Management Conference scheduled for
20 February 13, 2009 shall be continued to March 27, 2009 at 8:30 a.m., Courtroom 8, 19th
21 Floor. Should the parties file a dismissal of these consolidated actions prior to the Case
22 Management Conference, the Case Management Conference shall be vacated.

23 DATED: February 12, 2009

24 By _____
25 HON. CHARLES R. BREYER
26 UNITED STATES DISTRICT COURT

27 11171982.1

